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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,594	09/16/2005	Henrik Orum	36731-000053/US	8831
30593	7590	05/03/2007		EXAMINER
HARNESS, DICKEY & PIERCE, P.L.C.				BOSWELL, CHRISTOPHER J
P.O. BOX 8910			ART UNIT	PAPER NUMBER
RESTON, VA 20195			3676	
			MAIL DATE	DELIVERY MODE
			05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/524,594	ORUM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher Boswell	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 February 2005 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/15/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the locking element" in line 6. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,454,824 to Wood.

Wood discloses a safety-fastener (10) to be secured by fastening, the fastener comprising at least a threaded tip (22) and a rod (42), the threaded tip and rod being interconnected in a joint (18) allowing transmission of rotational movement from the rod to the threaded tip in one locked state and preventing transmission of rotational movement from the rod to the threaded tip in

another unlocked state (column 2, lines 56-68), wherein the joint and at least a part of the locking element is positioned at a distance below the surface of the structure to which the safety-fastener is fastened when in use (figure 4), as in claim 1.

Wood also discloses the safety-fastener being adapted to allow reversible shifting between the locked and the unlocked state (column 2, lines 56-68), as in claim 2, wherein the rod comprises a gripping means (54) extending in a direction opposite to the threaded tip for applying a torque to the rod, as in claim 4, and where the threaded part contains at least threads (figure 4), as in claim 12, as well as the length of the threaded part is at least 50% of the entire length of the safety-fastener (figure 4), as in claim 13, as well as locking means adapted to receive a pad-lock (52) for locking the locking element in either the locked and/or the unlocked states of the fastener, as in claim 18, and the rod comprises attachment means for securing peripheral objects to the fastener (via insertion of the peripherals into the lock assembly; column 3, lines 10-21), as in claim 19, wherein the object is a beach safety-box (column 1, lines 5-33), as in claim 20.

Wood further discloses the joint is locked by the insertion of a locking element (36 and 40) into a rotationally locking engagement in the rod and the threaded tip (column 2, lines 40-48), as in claim 3, wherein the locking element is accessible from a top portion of the rod opposite to the threaded tip so as to allow shifting between the locked and the unlocked state on a mounted safety-fastener (figure 4), as in claim 5, and the joint being shifted from the locked to the unlocked state and vice versa by the removal of the locking element from the joint (column 2, lines 40-48), as in claim 6, as well as the joint being shifted from the locked state to the unlocked state by irreversible breaking of the locking element (column 1, line 66-column 2, line 4), as in

claim 7, wherein the locking element is adapted to break at a pre-specified torque (column 1, line 66-column 2, line 4), as in claim 8.

Wood additionally discloses the safety-fastener being adapted to allow reversible shifting between the locked and the unlocked state by displacement of the locking element in the axial direction of the fastener (column 2, lines 40-48), as in claim 9, wherein the locking element is displaced in a direction from the rod towards the threaded part (the locked state is achieved by axially displacing the locking element towards the threaded part), as in claim 10, and the locking element being displaced in a direction from the threaded part towards the rod (the unlocked state is achieved by axially displacing the locking element towards the rod), as in claim 11.

Wood also discloses the rod being provided in the form of a hollow tube that houses the locking element (figure 6), as in claim 14, and the rod and threaded tip comprises a hollow channel that houses the locking element (the rod is hollow; figure 6), as in claim 15, further comprising a handle member (54) arranged to control the moving of the locking element from a top portion, opposite the threaded tip of the rod (figure 4), as in claim 16, and fixating means (42 and 52) allowing fixation of the locking element in any of the first and/or the second positions, as in claim 17, wherein the joint is shifted between the locked and unlocked state by respectively removing and inserting the locking element into the safety-fastener (column 2, lines 40-68), as in claim 21.

Wood further discloses a lock safety-fastener comprising a fastener (22) and a lock (52) wherein the fastener contains an insertion-region (the auger on the end of element 22) which can be used for attachment into a solid material, and a lock-accepting region (12) which protrudes

from the solid material, and wherein the attachment and locking of the lock to the lock-accepting region allows the lock to rotate freely around the lock-accepting region in its locked state thereby significantly hindering the possibility for loosening the fastener (column 2, lines 56-68), as in claim 22.

Woods additionally discloses the insertion-region of the fastener is threaded and wherein the lock-accepting region comprises a gripping means (54) for applying torque to the fastener thereby enabling the fastener to be secured by screwing, as in claim 23, wherein the lock is constructed such that it can be attached to the lock-accepting region of the fastener when unlocked (via eyelet 50), cannot be detached from the lock-accepting region of the fastener when locked (when the lock is in the locked state, it can not be removed from the eyelet), can rotate freely on the lock-accepting region of the fastener when locked (column 2, lines 56-68), and prevents the lock-accepting region of the fastener and the fastener-head to be accessed by gripping tools when locked (column 2, lines 64-68), as in claim 24, and the use of the lock safety-fastener to secure objects against unauthorized removal (column 3, lines 10-21), as in claim 28.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods, as applied above, in view of U.S. Patent Number 3,817,063 to Williams.

Woods discloses the invention substantially as claimed. Woods discloses the use of a pad lock (52) to lock the safety fastener. However, Woods does not explicitly disclose the pad lock being a code-lock. Williams teaches of a padlock being a code-lock (10), as in claim 25, wherein the lock has a plurality of numbered discs (66), as in claim 26, and the user can program the lock (column 3, line 52-column 4, line 6), as in claim 27, in the analogous art of lock assemblies use to secure containers in a lock state for the purpose of having a lock that does not need the use of a key to place the padlock in an unlocked state. It would have been obvious to one with ordinary skill in the art at the time the invention was made to utilize a code lock, as taught by Williams, in the safety-fastener of Wood in order to have a lock that does not need the use of a key to place the padlock in an unlocked state.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to fastener locking assemblies:

U.S. Patent Number 6,684,548 to Petrus, U.S. Patent Number 6,561,000 to Tallarico, U.S. Patent Number 5,097,686 to Plumer, U.S. Patent Number 4,626,616 to Masters, U.S. Patent Number 4,072,286 to Foncannon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell  
Examiner  
Art Unit 3676



Suzanne Dino Barrett  
Primary Examiner

CJB CB  
April 27, 2007